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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,960	12/11/2003	Graham N. Pearce	555255012668	9286
33787	7590	06/06/2006	EXAMINER	
JOHN J. OSKOREP, ESQ. ONE MAGNIFICENT MILE CENTER 980 N. MICHIGAN AVE. SUITE 1400 CHICAGO, IL 60611			EKONG, EMEM	
		ART UNIT		PAPER NUMBER
		2617		
DATE MAILED: 06/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/732,960	PEARCE, GRAHAM N.	
	Examiner EMEM EKONG	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-13 is/are allowed.
- 6) Claim(s) 1-10 & 14-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 18 is objected to because of the following informalities: On line 1 of claim 18, replace "claim 18" with --claim 17-- before "wherein";. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 17-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6, 311,055 B1 to Boltz.

Regarding claim 1, Boltz discloses in a wireless communication device, a method of providing restrictions on long distance calls from the wireless communication device (see figure 6 and col. 2 lines 40-55),

comprising the acts of: receiving over a wireless link of a wireless communication network, long distance call restriction information from a host computer (col. 7 lines 20- 50) of a private communication network which is outside of the wireless

communication network within which the wireless device operates (col. 4 line 54-col. 5 line 32), the long distance call restriction information being indicative of one or more country codes or area codes (col. 5 lines 9-11); storing the long distance call restriction information (col. 7 lines 65-67);

determining at the wireless device, whether a call attempt from the wireless device is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information (col. 9 lines 25-33);

if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device (see figure 7, and col. 9 lines 34-36).

Regarding claim 3, Boltz discloses the method of claim 1, wherein the long distance call restriction information comprises the one or more country codes (col. 5 lines 9-11).

Regarding claim 17, Boltz discloses in a server of a computer network, a method of providing restrictions of long distance calls from a wireless communication device comprising the acts of: maintaining storage of long distance call restriction information in a user profile, the long distance call restriction information being indicative of one or more country codes or area codes (col. 5 lines 9-11, and col. 6 lines 33-54, MSC/VLR); receiving, through a wireless communication network, a query request from a wireless

communication device which is attempting to place a telephone call to a telephone number through the wireless communication network, where the query request includes data indicative of a country code or area code of the telephone number (col. 6 lines 55-65); in response to the query request, searching the long distance call restriction information to identify whether the telephone call with the country code or area code should be allowed or restricted by comparing a county code or area code of a telephone number of the call attempt with the one or more country codes or area codes of the long distance call restriction information; and causing a response to be sent to the wireless device which indicates whether the telephone call is allowed or restricted (col. 6 line 65-col. 7 line 55).

Regarding claim 18, Boltz discloses the method of claim 17, wherein the server is for use in a private communication network which is outside of the wireless communication network within which the wireless device operates (see figure 1, MSC/VLR).

Regarding claim 19, Boltz discloses a host server which is configured for coupling to a host computer network which is outside of a wireless communication network within which a plurality of wireless communication devices operate, the host computer comprising: memory for storing a plurality of user profiles associated with the plurality of wireless communication devices each user profile having user profile information which is unique to a wireless communication device or a subscriber thereof

and including long distance call restriction information which is indicative of one or more country codes or area codes for restricting long distance telephone calls from the wireless communication device (col. 4 line 54-col.28); and the host server being configured to cause the long distance call restriction information to be sent to the wireless communication device through the host computer network and the wireless communication network within which the wireless communication device operates (col. 6 line 33-col. 7 line 55).

Regarding claim 21, Boltz discloses the host server of claim 19, having the memory for storing a plurality of user profiles, which are unique to each user, or subscriber of the host computer network (col. 4 line 65-col.5 line 41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in view of US Patent No 6,295,447 B1 to Reichelt et al.

Regarding claim 2, Boltz discloses the method of claim 1, however, Boltz fails to disclose wherein the wireless device is operative in accordance with General Packet Data Service (GPRS).

Reichelt et al. discloses wherein the wireless device is operative in accordance with General Packet Data Service (GPRS) (col. 4 lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz, and have the wireless device is operative in accordance with General Packet Data Service as disclosed by Reichelt et al. for the purpose of using call restriction on such network.

8. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in view of US Patent No 6,081,731 to Boltz et al.

Regarding claims 4 and 20, Boltz discloses the method and host server of claims 1 and 19, however, Boltz fails to disclose wherein the act of receiving comprises the further act of receiving the long distance call restriction information which is pushed to the wireless device.

Boltz et al. discloses wherein the act of receiving comprises the further act of receiving the long distance call restriction information, which is pushed to the wireless device (col. 5 lines 34-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz, and have the long distance call restriction information pushed to the wireless device for the purpose of call restriction.

9. Claims 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al. in view of Boltz.

Regarding claim 5, Boltz et al. discloses a wireless communication device, comprising:

a radio modem which is configured to receive long distance call restriction information; memory which stores the long distance call restriction information (col. 5 lines 34-51).

However, Boltz et al. fails to disclose a user interface which receives a telephone call attempt from an end user of the wireless device;

a controller which: determines whether the call attempt is restricted by the long distance call restriction information;

if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and

if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device.

Boltz discloses a user interface which receives a telephone call attempt from an end user of the wireless device; a controller which: determines whether the call attempt is restricted by the long distance call restriction information (col. 8 line 62-col. 9 line 16);

if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device (col. 9 lines 19-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz et al., and have a user interface which receives a telephone call attempt from an end user of the wireless device; a controller which: determines whether the call attempt is restricted by the long distance call restriction information as disclosed by Boltz for the purpose of call restricting.

Regarding claim 7, the combination of Boltz et al. and Boltz discloses the wireless device of claim 5, wherein long distance call restriction information comprises the one or more country codes (Boltz, col. 5 lines 9-11).

Regarding claim 8, the combination of Boltz et al. and Boltz discloses the wireless device of claim 5, wherein the radio modem is configured to receive the long distance call restriction information which is pushed to the wireless device (Boltz et al., col. 5 lines 34-51).

Regarding claim 9, the combination of Boltz et al. and Boltz discloses the wireless device of claim 5, wherein the radio modem which is adapted to receive the long distance call restriction information from a user profile which uniquely corresponds

to a mobile or subscriber identifier stored in the wireless device (Boltz et al., col. 2 line 63 - col. 3 line 9, and col. 5 lines 33-51).

Regarding claim 10, the combination of Boltz et al. and Boltz discloses the wireless device of claim 5, further comprising: a smart card interface for receiving a smart card; and wherein the radio modem receives long distance call restriction information of a user profile which uniquely corresponds to an identifier stored on the smart card (col. 8 line 65-col. 9 line 10).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al., in view of Boltz, and further in view of Reichelt et al.

Regarding claim 6, the combination of Boltz et al. and Boltz discloses the device of claim 5, however, the combination fails to disclose operative in accordance with General Packet Data Service (GPRS).

Reichelt et al. discloses operative in accordance with General Packet Data Service (GPRS) (col. 4 lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz, and have the wireless device operative in accordance with General Packet Data Service as disclosed by Reichelt et al. for the purpose of using call restriction on such network.

11. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Publication No. 2002/0165012 A1 to Bilhan Kirbas (Kirbas et al.) in view of Boltz et al., and further in view of Boltz.

Regarding claim 14, discloses a wireless communication device, a method of providing restrictions on long distance calls from the wireless communication device comprising the acts of: receiving, from a user interface of the wireless device, a selection of a plurality of telephone call digits of a telephone number (see figures 1, and 2, and paragraphs 0006, 0021, and 0022).

However, Kirbas et al. fails to disclose transmitting, to a host computer network, a query request to identify whether a telephone call to the telephone number should be restricted based on long distance call restriction information stored in the host computer network which is indicative of one or more country codes or area codes;

receiving, from the host computer network, a response to the query request which is based on a comparison of a country code or area code of the telephone number with the one or more country codes or area codes of the long distance call restriction information.

Boltz et al. discloses transmitting, a query request to identify whether a telephone call to the telephone number should be restricted based on long distance call restriction information stored in the host computer network which is indicative of one or more country codes or area codes;

receiving, from the host computer network, a response to the query request which is based on a comparison of a country code or area code of the telephone number with the one or more country codes or area codes of the long distance call restriction information (col. 2 lines 63 – col. 3 lines 29, and col. 3 line 54 – col. 4 line 29, and col. 5 lines 40-45);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wireless device of Kirbas et al. with the device of Boltz et al. for the purpose of obtaining information based on stored information in the host computer for call restricting.

However, Boltz et al. fails to disclose a host computer network.

Boltz discloses a host computer network (col. 4 lines 54-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz et al., and have the query transmitted from a host computer network for the purpose of obtaining call restriction information.

Regarding claim 15, the combination of Kirbas et al., Boltz et al., and Boltz discloses a method of claim 14, comprising the further act of: transmitting the query only if the telephone number is identified as being a long distance telephone number (Boltz et al., col. 5 lines 64-67).

Regarding claim 16, Kirbas et al. discloses a wireless communication device comprising: a user interface which is configured to receive a telephone call attempt from an end user of the wireless device; memory for storing long distance call restriction information which is indicative of one or more country codes or area codes, a radio modem which is configured for communication with a wireless communication network (see figures 1, and 2, and paragraphs 0006, 0021, and 0022).

However, Kirbas et al. fails to disclose a controller which is configured to: cause a query request to be transmitted to a host computer network through the radio modem to identify whether a telephone call to the telephone number should be restricted based on long distance call restriction

determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country the long distance call restriction information;

Boltz et al. discloses a query request to being transmitted through the radio modem to identify whether a telephone call to the telephone number should be restricted based on long distance call restriction

determine whether the call attempt is restricted by comparing a country code or area code of a telephone number of the call attempt with the one or more country the long distance call restriction information (col. 2 lines 63 – col. 3 lines 29, and col. 3 line 54 – col. 4 line 29, and col. 5 lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kirbas et al. with the device of Boltz et al.

for the purpose of obtaining information based on stored information in the host computer for call restricting.

However, Boltz et al. fails to disclose a host computer network, and if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device.

Boltz discloses a host computer network (col. 4 lines 54-58), and if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device (col. 9 lines 19-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Boltz et al., and have the query transmitted from a host computer network and if the call attempt is restricted by the long distance call restriction information, restricting the call attempt from the wireless device; and if the call attempt is not restricted by the long distance call restriction information, allowing the call attempt from the wireless device for the purpose of call restriction.

Allowable Subject Matter

12. Claims 11-13 are allowed.

Conclusion

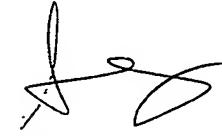
13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EOE
5/26/06



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